

**To:** Anaya, Mercedes[Anaya.Mercedes@epa.gov]  
**From:** Johnson, Kathleen  
**Sent:** Fri 10/17/2014 7:58:45 PM  
**Subject:** FW: DWR Response plan for EPA BDCP comments  
EPA issue list 101414.docx

Please print this email and the attachment. Thanks.

Kathleen H. Johnson

Director, Enforcement Division

U.S. EPA - Region 9

75 Hawthorne Street ENF-1

San Francisco, CA 94015

415/972-3873

johnson.kathleen@epa.gov

**From:** Diamond, Jane  
**Sent:** Friday, October 17, 2014 8:39 AM  
**To:** Johnson, Kathleen; Hanf, Lisa; Goforth, Kathleen; Skophammer, Stephanie; Vendlinski, Tim; Kemmerer, John; Foresman, Erin; Hagler, Tom  
**Subject:** FW: DWR Response plan for EPA BDCP comments

Here are the key outcomes from the meeting I had yesterday with feds and DWR re next steps to address EPA's comments on the DEIS and plans for the Supplemental EIS (thanks Lisa for most of these notes!). I am going to schedule a half hour discussion on Oct. 21 immediately before or after the Bay Delta team meeting to review any comments you may have on the DWR Resolution Process paper so we can provide feedback hopefully by COB Tuesday.

Attendees: in person: Laura King Moon, Maria Rea, Jane Diamond, Ryan Wulff, Larry (USFWS); on phone: Lisa Hnaf, Jason Phillips (BOR), Cassandra (DWR), Jennifer Gimbel (DOI)

- [REDACTED] Laura King Moon provided a handout with a process for addressing EPA's comments on the BDCP EIS. It is not a matrix, but focuses on the biggest issues (e.g., water quality/objectives violated, location of compliance point, and sensitivity modeling). The lead federal agencies had just received, so she distributed the attachment below after incorporating any quick input they provided after the meeting.
- [REDACTED] DWR's process distinguishes policy issues from technical issues. Key staff to be involved in technical meetings, then use this information to inform policy meetings. Mention of finding role for Tom Hagler, given his extensive background. Targeting 1<sup>st</sup> policy meeting for the week of Oct 27 or Nov. 3, as noted in Laura's email below.
- [REDACTED] Laura said they have focused a lot of attention on compliance with WQ standards, doing sensitivity modeling to meet WQ objectives at both Emmaton and 3 mile Slough? They are considering possibility of changing project description so Emmaton is the compliance point, if it doesn't involved major changes in the effects analysis. She said they propose to meet with us after finishing the modeling to make sure we understand what was done and that we are comfortable.
- [REDACTED] After feedback on this approach, DWR will prepare a draft schedule.
- [REDACTED] Next week, principals are meeting to discuss scope of supplement.
- [REDACTED] DWR is also trying to improve readability of document, including comparison of alternatives.
- [REDACTED] Jane committed to provide EPA feedback on this approach and identified participants in the various meetings by Tuesday 10/21. She recommended that meetings include a structured agenda, and recording of action items. She clarified that she is the EPA primary contact since the key issues involve water quality. Kathleen will be closely involved since NEPA provides the forum, and she is EPA's lead for NEPA.
- [REDACTED] DWR is not ready to commit to identifying a preferred alternative at this point, but understands the rationale to do so and is considering.
- [REDACTED] DWR is setting up meetings with the Corps to come up with a plan for the additional documentation that the Corps needs. They realize that the EIS will not provide sufficient information for permitting. They identified Erin as the point of contact for EPA and I said we'll need to figure out who's most appropriate given Erin's workload and expertise needed.

Jane Diamond

Water Director, EPA Region 9

415-947-8707

**From:** Moon, Laura K.[@DWR \[mailto:Laura.K.Moon@water.ca.gov\]](mailto:Laura.K.Moon@water.ca.gov)

**Sent:** Thursday, October 16, 2014 10:38 AM

**To:** Diamond, Jane

**Cc:** Johnson, Kathleen

**Subject:** Response plan for EPA BDCP comments

Hi Jane,

Attached is the proposed response plan to EPA's comments that we shared with you and discussed at today's meeting. Please let me know if we have missed any topics or concerns, and then we will begin scheduling a series of policy and technical level meetings to work through all the issues. I will look for a time the week of October 27 or November 3 for our first policy meeting.

It was a pleasure meeting you and I look forward to working with you.

Best,

Laura

Laura King Moon

Chief Deputy Director

Department of Water Resources

916.653.6055